

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. By virtue of the foregoing amendments, Claims 33-37 have been added and Claims 26-32 have been withdrawn from consideration. Accordingly, Claims 10-13, 21-25 and 33-37 are pending for examination in the present application.

No new matter has been presented by way of the claim additions and such additions are deemed unobjectionable. Entry thereof is respectfully requested.

**Information Disclosure Statement**

The Examiner's consideration of the information contained in the Information Disclosure Statement filed on October 31, 2003 is noted with appreciation.

**Election/Restriction**

The Official Action states that Claims 26-32 are withdrawn from further consideration as being drawn to a non-elected group. The Official Action further states that the restriction requirement is still deemed proper and has made the requirement final. The Applicants respectfully request reconsideration of the restriction requirement for at least the following reasons.

The Official Action asserts that the search for the claims in Group I (Claims 10-13 and 21-25) would not be co-extensive with the search for the claims in Group II (Claims 26-32). This assertion is considered to be incorrect because it is respectfully submitted that, even assuming that the searches would not be entirely co-extensive, the search would not be a serious burden on the Examiner. In one respect, the search required for the claims in Group II would include many of the same search criteria as the search for the claims in Group I

because both groups include embodiments involving a method of cooling a plurality of heat generating components of an electronic system having an enclosure and a plenum located within the enclosure. In fact, all of the elements cited in Claim 10 are recited in Claim 26.

As stated in the Official Action, the Group I claims (10-13 and 21-25) are classified in class 236/1C or in class 361/695. The Group II claims (26-32) are recited as being classified in class 165/276, 287, 299, 300, class 361/684, 685, class 700/299, 300, or class 711. It is respectfully submitted that the search of at least classes 236/1C, 165/276, 287, and 700/299, 300 is required for the claims in both groups. For instance, class 236/1C is defined as “automatic temperature and humidity regulation” and “heating and cooling controls”. Class 165/276 is defined as “heat exchange” and “control of variable thermal conductivity systems (e.g., heat valves, etc.)”. Subclass 287 of class 165 is defined as “temperature responsive or control”. Class 700/299 is defined as “generic control system, apparatus or process” and “specific application of temperature responsive control system”. Subclass 300 of class 700 is defined as the generic control system of class 700 “for heating and cooling”.

Because the search for the claims in both groups includes all of the above identified classes and subclasses, it is respectfully submitted that the searches for both groups are substantially co-extensive. In this regard, it is also respectfully submitted that the search and examination of the claims in both groups would not pose a serious burden on the examiner.

In addition, as set forth in MPEP 803, “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” It is clearly the case here that examination of all the claims would not be a serious burden on the Examiner. Accordingly, withdrawal of the restriction requirement and examination of all of the embodiments of this application, are respectfully requested.

In addition, it is respectfully submitted that the basis for the restriction requirement in the instant application is improper. The Official Action argues that the “computer readable storage medium can be used to perform any another and materially different process, since any sets of instruction for any desirable process may be stored on said medium.” Moreover, the Official Action further asserts that “sets of instructions for the process as claimed can be derived from any number of source (i.e., not from the computer readable storage medium)”, and states that by way of example, “sets of instructions can be inputted manually from the computer keyboard.” While it is true that computer readable storage mediums are generally capable of performing other processes, the claims in the present application are directed to a computer readable medium configured to perform a specific process as set forth in Claims 26-32. More particularly, Claim 26 pertains to a computer readable storage medium having a set of instructions for performing the method set forth in Claim 10.

### Drawings

The Official Action fails to acknowledge whether the drawings submitted on the filing date of the instant application are accepted by the Examiner. Because there are no objections listed in the Official Action, the Applicants will assume that the drawings have been accepted by the Examiner and that no changes to the drawings are required. If this assumption is in error, the Examiner is respectfully requested to inform the Applicants of any necessary changes in any subsequent communications by the Examiner.

*Claim Rejection Under 35 U.S.C. §102*

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 10-13 and 21-25 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by the disclosure contained in U.S. Patent No. 4,997,030 to Goto et al. This rejection is respectfully traversed because the claimed invention as set forth in Claim 10 and the claims that depend therefrom are patentably distinguishable over the disclosure contained in the Goto et al. document.

Claim 10 of the present invention pertains to a method of cooling a plurality of heat generating components of an electronic system. In the method, a plurality of valves terminate substantially close to respective heat generating components to thereby supply cooling fluid to the heat generating components. In addition, the supply of cooling fluid through the plurality of valves is varied based upon the sensed temperatures of the heat generating components. In one regard, the placement and control of the plurality of valves generally

enable substantially direct control over the cooling fluid delivered to the heat generating components.

In contrast, Goto et al. pertains to a central air conditioning system for a plurality of rooms 13-17 in which a remote control system 37 is utilized to control delivery of cooling fluid to the rooms 13-17. The Official Action characterizes the room remote controllers 69a-69c as reading on the heat generating components claimed in Claim 10. This is an erroneous characterization because it is respectfully submitted that the room remote controllers 69a-69c are **not** heat generating components. More particularly, there is nothing in Goto et al. nor has the Official Action indicated that the room remote controllers 69a-69c generate any heat whatsoever.

As disclosed in the present Specification, page 4, lines 24-25, the heat generating components may include processors, micro-controllers, high speed video cards, disk drives, semi-conductor devices, and the like. It is respectfully submitted that one of ordinary skill in the art would not characterize the room remote controllers 69a-69c of Goto et al. as reading on the heat generating components of the claimed invention. Therefore, Goto et al. fails to disclose a plurality of heat generating components.

The Official Action also asserts that the valves (dampers) 57a-57c terminate “substantially close to a respective heat generating component”. This assertion is also respectfully traversed because as clearly seen in Figure 1 of Goto et al. the room remote controllers 69a-69c are positioned a substantial distance from the valves (dampers) 57a-57c. In addition, it would actually be detrimental to the central air conditioning system of Goto et al. to place the valves (dampers) 57a-57c substantially close to respective room remote controllers 69a-69c because such placements would not enable the air conditioning system of Goto et al. to function properly. For instance, the central air conditioning system of Goto et al. is designed to cool the rooms 13-17 and not to cool the room remote controllers 69a-69c

directly. Thus, because the temperature sensors (column 5, lines 15-17) are disclosed as being provided in the room remote controllers 69a-69c, supplying substantially direct flows of cooling fluid to the room remote controllers 69a-69c would not enable the temperature sensors to detect accurate temperatures in the rooms 13-17. Instead, while the room remote controllers 69a-69c may be cooled through airflow through the valves (dampers) 57a-57c, the rooms 13-17 may not receive sufficient cooling airflow as the room remote controllers 69a-69c may be cooled to lower temperatures substantially prior to the rooms 13-17 being cooled.

Clearly, therefore, the air conditioning system in Goto et al. is not designed nor operated to maintain the temperatures of the room remote controllers 59a-59c within predetermined temperature ranges. Instead, the air conditioning system is designed and operated to supply conditioned air to a plurality of rooms 13-17. Thus, Goto et al. fails to disclose a method for cooling a plurality of heat generating components having the steps set forth in Claim 10 of the present invention.

As Goto et al. fails to disclose each and every element contained in Claim 10 of the present invention, Goto et al. cannot anticipate Claim 10. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claim 10 as being anticipated by the disclosure contained in Goto et al. At least by virtue of their dependencies to allowable Claim 10, Claims 11-13 and 21-25 are also allowable over Goto et al.

Claims 11-13 and 21-25 are also allowable over Goto et al. for various reasons in addition to their respective dependencies. For instance, with respect to Claim 23, Goto et al. fails to disclose the step of “substantially maintaining a portion of the cooling fluid at a substantially uniform pressure.” As another example, with respect to Claim 25, Goto et al. fails to disclose the step of “anticipating the temperatures of each of said heat generating components based upon an impending load on each of the heat generating components.” In

fact, the room remote controllers 69a-69c would not have impending loads because they are remote controllers and not heat generating components.

Newly Added Claims

New Claims 33-37 have been added to further define the invention. These claims are also allowable over the cited art of record for at least the reasons set forth hereinabove with respect to Claims 10-13 and 21-25.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Abdlmonem H. Beitelmal et al.

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By



Timothy B. Kang  
Registration No.: 46,423

MANNAVA & KANG, P.C.  
8221 Old Courthouse Road  
Suite 104  
Vienna, VA 22182  
(703) 652-3817  
(703) 991-1162 (facsimile)